



**6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R10-OAR-2014-0228; FRL-9913-97-OAR]**

**Approval and Promulgation of Implementation Plans; Idaho  
Franklin County Portion of the Logan Nonattainment Area; Fine Particulate Matter Emissions  
Inventory**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Idaho Department of Environmental Quality (IDEQ) submitted a revision to the State Implementation Plan (SIP) on December 19, 2012, to address Clean Air Act (CAA or the Act) requirements for the Idaho portion (hereafter referred to as “Franklin County”) of the cross border Logan, Utah-Idaho nonattainment area for the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards. The EPA is approving the baseline emissions inventory contained in IDEQ’s submittal as meeting the requirement to submit a comprehensive, accurate, and current inventory of direct PM<sub>2.5</sub> and PM<sub>2.5</sub> precursor emissions in Franklin County.

**DATES:** This final rule is effective on [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** The EPA has established a docket for this action under Docket Identification No. EPA-R10-OAR-2014-0228. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket

materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT-107, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the FOR FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jeff Hunt at (206) 553-0256, [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov), or the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:** Throughout this document, wherever “we,” “us,” or “our” is used, it is intended to refer to the EPA.

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### **I. Background**

An explanation of the CAA requirements, a detailed explanation of the revision, and the reasons for our proposed approval of the SIP revision were provided in the notice of proposed rulemaking published on May 14, 2014, and will not be restated here (79 FR 27543). The public comment period for the proposed rule ended on June 13, 2014. The EPA did not receive any relevant comments on the proposal.

### **II. Final Action**

The EPA is approving the PM<sub>2.5</sub> and PM<sub>2.5</sub> precursor emissions inventory submitted by IDEQ on December 19, 2012, for the Franklin County, Idaho portion of the cross border Logan,

Utah-Idaho nonattainment area. The EPA has determined that this action is consistent with sections 110 and 172(c)(3) of the CAA.

### **III. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [FEDERAL

REGISTER OFFICE: insert date 60 days from date of publication of this document in the Federal Register]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 2, 2014.

Dennis J. McLerran,  
Regional Administrator,  
Region 10.

40 CFR part 52 is amended as follows:

## **PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 et seq.

### **Subpart N - Idaho**

2. Section 52.670 is amended in paragraph (e) in the table entitled “EPA-Approved Idaho Nonregulatory Provisions and Quasi-Regulatory Measures” by adding the entry “Fine Particulate Matter Baseline Emissions Inventory” at the end of the table to read as follows:

#### **§ 52.670 Identification of plan.**

\* \* \* \* \*

(e) \* \* \*

### **EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES**

| <b>Name of SIP provision</b>                         | <b>Applicable geographic or nonattainment area</b>                | <b>State submittal date</b> | <b>EPA approval date</b>   | <b>Comments</b>                          |
|--|---|-----------------------------|--|--|
| * * * * *  |   |                             |  |  |
| Fine Particulate Matter Baseline Emissions Inventory | Franklin County, Logan UT-ID PM <sub>2.5</sub> Nonattainment Area | 12/19/12                    | [Insert <u>Federal Register</u> publication date]<br>[Insert FR citation ] | Fine Particulate Matter; Franklin County |

[FR Doc. 2014-16821 Filed 07/17/2014 at 8:45 am; Publication Date: 07/18/2014]